


SOLID WASTE DISPOSAL ACT8-32. Administrative Enforcement - Corrective Action Authority;  
Issuance of Orders and Signing of Consent Agreements

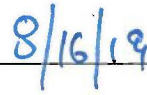
1. **AUTHORITY.** Pursuant to Subtitle C, Section 3008(h) of the SWDA, to issue orders requiring corrective action or other responses deemed necessary to protect human health or the environment; to issue orders which suspend or revoke authorization to operate under Section 3005(e) of the SWDA; to negotiate and sign consent agreements memorializing settlements between the agency and respondents; and to represent the agency in administrative enforcement actions.
2. **TO WHOM DELEGATED.**
  - a. Director, Enforcement and Compliance Assurance Division, for all authorities other than representing the agency in administrative enforcement actions.
  - b. Regional counsel, for negotiating consent agreements and representing the agency in administrative enforcement actions.
3. **LIMITATIONS.**
  - a. The ECAD director or any of his/her delegates must obtain the concurrence of the regional counsel or designee and the Assistant Administrator for the Office of Enforcement and Compliance Assurance before exercising any of the above authorities. In addition, once the recipient of an order requests or fails to request a hearing within the specified time period, the regional counsel or designee and technical program staff may conduct any negotiations, and negotiate and sign resulting agreements.
  - b. This authority may be exercised only for those cases initiated by Region 8.
  - c. Any official exercising this authority must obtain the concurrence of the director, Land, Chemical, and Redevelopment Division or designee, before issuing orders.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated to the branch chief level, or equivalent.
5. **ADDITIONAL REFERENCES.**
  - a. Section 3008(h), SWDA.
  - b. See the Chapter 8 Delegations entitled:
    1. "Determination That There Is or Has Been a Release."
    2. "Civil Judicial Enforcement Actions, Including Collection Actions."
    3. "Settlement or Concurrence in Settlement of Civil Judicial Enforcement Actions,"

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4. "Emergency Temporary Restraining Orders."

  
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Gregory Sopkin  
Regional Administrator

  
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Date